

COMPLAINT

February 9, 2010

RECEIVED
FEDERAL ELECTION
COMMISSION
2010 FEB 22 AM 10:05
OFFICE OF GENERAL
COUNSEL

Office of the General Counsel
Federal Election Commission
999 E Street N.W.
Washington, D.C. 20463

MUR # 6253

Dear Sir or Madam:

A recent review of both federal and state (solicitor district) campaign committee filings made on behalf of the candidate, Harold W. Gowdy, III (aka Trey Gowdy) for each office raises concern about the appropriate use of monies from his state campaign committee for use in the current federal election cycle.

In this regard, the following timeline and specific items need to be considered:

1. Trey Gowdy files Statement of Candidacy FEC Form 2 (*undated*) for the U.S. Congress on May 27, 2009, according to postmark recorded by the FEC Mail Center.
2. Trey Gowdy, through the act of his designated Treasurer, Marvin Quattlebaum, files a Statement of Organization FEC Form 1 (dated May 26, 2009) establishing the "Trey Gowdy for Congress" federal campaign committee.
3. Trey Gowdy publicly announces his candidacy for the U.S. Congress on June 1, 2009, per numerous media accounts.
4. Trey Gowdy receives his first itemized campaign contribution on May 26, 2009.
5. Trey Gowdy, through the act of his Treasurer, files his first federal campaign committee report at the end of the 2nd Quarter of 2009 referencing receipts and expenditures for the period April 1 through June 30, 2009.
 - A) Receipts (contributions) of \$87,924.00
 - B) Expenditures of \$4,924.52 which consisted of only three (3) items (see Attachment 1):

- i. Direct mail processing of \$424.10 on June 30, 2009.
 - ii. Printing expense of \$412.34 on June 30, 2009.
 - iii. Website Development of \$3,806.00 on June 29, 2009, from a firm "Under The Power Lines" (aka UTPL).
- 6. Trey Gowdy also files a state-authorized campaign unsubmitted report with the SC State Ethics Commission for his re-election campaign as 7th District Solicitor in 2012 on July 1, 2009, referencing receipts and expenditures for the period April 1 through June 30, 2009.
 - A) Receipts (contributions) of \$0.00.
 - B) Expenditures of \$6,793.79 which included the following items (see Attachment 2):
 - i. Solicitor Website Design & Development of \$6,000.00 on April 9, 2009, from the firm "UTPL" (same firm as mentioned above).
 - ii. US Postmaster (postal service) of \$112.00 on May 19, 2009.
 - iii. Reimbursements to Spartanburg County for "office related expenses and supplies" in the amounts of \$188.62 on May 20, 2009, and \$166.37 on June 19, 2009.
- 7. Trey Gowdy continues to file state-authorized campaign committee reports with the SC State Ethics Commission for his re-election campaign as 7th District Solicitor in 2012 through the end of 2009, containing more reimbursements for office expenses, supplies and phone bills (see Attachment 3) which are conspicuously absent from subsequent federal campaign committee reports for the 3rd and 4th Quarters of 2009.

Based on the above timeline and specific publicly reported items, common sense and a knowledge of campaign committee and vendor workings suggest that it is likely that the Trey Gowdy for Congress Committee (C00462523) has violated federal election laws by utilizing state-authorized campaign committee funds for use in a forthcoming federal election and not disclosing all relevant expenditures as required by law. It certainly warrants further investigation.

Relevant questions would include:

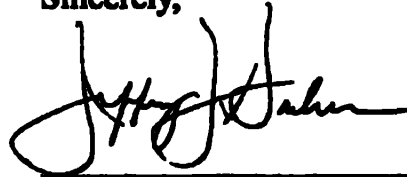
- 1. How is it possible to raise \$87,924 for a federal campaign without spending any monies for office expenses such as but not necessarily limited to postage, telephone and/or cellular fees?

Campaigns run on cellular phones! Busy politicians rely on them! And no thank you notes were sent requiring postage and stationary of some type?

2. What do all relevant phone bills (home, work, campaign, cellular) show regarding fundraising efforts to raise that \$87,924 during the 2nd Quarter of 2009? Calls had to have been made and, if so, from what devices? This information should be easy enough to obtain.
3. How is it possible that a solicitor's campaign website cost more (\$6,000) than a congressional campaign website (\$3,806)? It is not! In fact, congressional websites usually cost more than both these amounts combined. And, furthermore, where is the solicitor's campaign website that cost \$6,000?

Under penalty of perjury, I believe the information stated in this Complaint to be true and submit this Complaint for your immediate consideration, deliberation and final determination.

Sincerely,



Jeffrey J. Parker

Greenville, SC 29615

Enc: Attachment 1 - Expenditures from FEC Report for 2nd Quarter, 2009
Attachment 2 - Expenditures from SC State Report for 2nd Quarter, 2009
Attachment 3 - Expenditures *reimbursed* by Spartanburg County, 2009

State of South Carolina
County of Greenville
Brenda K. N. Kay
My Commission Expires 4/13/2016



ATTACHMENT 1
(1 PAGE)

SCHEDULE B

ITEMIZED DISBURSEMENTS

All Listed Line Numbers

Committee: TREY GOWDY FOR CONGRESS

Disbursement To Address	Election Type	Date of Disbursement
	Extra Description	Amount This Period
	Text	Memo
Mrs. MELISSA HOUSE 623 MOUNT VERNON LANE DUNCAN, South Carolina 29334		06/30/2009
	DIRECT MAIL PROCESSING	424.10
SOUTHERN PRINTING AND TYPE POST OFFICE BOX 934 ROEBUCK, South Carolina 29376		06/30/2009
	PRINTING	412.34
UNDER THE POWER LINES POST OFFICE BOX 872 COLUMBIA, South Carolina 29202		06/29/2009
	WEBSITE DEVELOPMENT	3806.00

Total Disbursement Amount (Non-Memo)	
Total Memo Amount	
Number of Transactions (Non-Memo)	3
Number of Transactions (Memo)	0

SC.GOV - SC State Ethics Commission: Public Disclosure and Accountability Reporting

Individual Reports Candidate Campaign Disclosure

ATTACHMENT 2
(3 PAGES)

2009, July 10th Report

Candidate: Gowdy, Harold W III
Position Sought: Solicitor
District/Locality: Spartanburg
Election Type: Primary
Election Date: 06/01/2012
Filing Type: Original
Filing Date: 07/01/2009

Select a tab to view more.

Summary Contributions Expenditures Loans Loan Payments Assets

Demographic Information

Gowdy, Harold W III
2212 Edgefield Road
Spartanburg, SC 29302
864.573.5213
Spartanburg County

Report Type

2009, July 10th

Contributions	This Period	Election Cycle
A. Candidates: Personal Funds	\$0.00	\$0.00
B1. Individual Contributions or other (+)	\$0.00	\$0.00
B2. Loans (+)	\$0.00	\$0.00
C. In-Kind Contributions (+)	\$0.00	\$0.00
D. Total Contributions (=)	\$0.00	\$0.00

Expenditures	This Period	Election Cycle
A. In-Kind Expenditures	\$0.00	\$0.00
B. Expenditures (+)	\$6,793.79	\$7,320.40
C. Total Expenditures (=)	\$6,793.79	\$7,320.40

Balance of Contributions	This Period
A. Contributions on Hand (Beginning this Period)	\$10,129.42
B. Total Contributions (This Period) (+)	\$0.00

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C. Total Expenditures (This Period) (-) \$6,793.79

D. Contributions On Hand (Period End) (=) \$3,335.63

Loans

Loan Balance: \$0.00

[← Back](#)

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SC.GOV - SC State Ethics Commission: Public Disclosure and Accountability Reporting

Individual Reports

Candidate Campaign Disclosure

2009, July 10th Report

 [DOWNLOAD CSV FILE](#)

Candidate: Gowdy, Harold W III
Position Sought: Solicitor
District/Locale: Spartanburg
Election Type: Primary
Election Date: 06/01/2012
Filing Type: Original
Filing Date: 07/01/2009

Select a tab to view more.

[Summary](#) [Contributions](#) **[Expenditures](#)** [Loans](#) [Loan Payments](#) [Assets](#)

Date	Vendor	Address	Description	Amount
06/19/2009	Spartanburg County	180 Magnolia Street Spartanburg, SC 29302	Office Supplies and Equipment	\$166.37
06/15/2009	Mutts Bar B Que	1000 North Pine Street Spartanburg, SC 29374	Office lunch due to triple term of court and holding trials simultaneously	\$226.80
05/20/2009	Spartanburg County	180 Magnolia Street Spartanburg, SC 29302	Office Related Expenses and Supplies	\$188.62
05/19/2009	US Postmaster	S. Church Street Spartanburg, SC 29307	Postal Services	\$112.00
04/23/2009	Woodruff Rotary Club	PO Box 10 Woodruff, SC 29388	Ad in Community Program	\$100.00
04/09/2009	UTPL	PO Box 872 Columbia, SC 29202	Solicitor Website Design and Development	\$6,000.00
Total				\$6,793.79

[← Back](#) [Print](#)

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ATTACHMENT 3
(2 PAGES)

Is Solicitor Trey Gowdy using public buildings, supplies and facilities to run for Congress and paying for them with his state Solicitor's campaign fund?

2012, January 10th Report

Candidate: Gowdy, Harold W III

Position Sought: Solicitor

District/Locality: Spartanburg

Election Type: General

Election Date: 06/01/2012

Filing Type: Original

Filing Date: 12/31/2009

<http://www.sos.ga.gov/PoliticalReporting/IndividualCandidate/ViewReport.aspx>

Expenditures reported 2009

Spartanburg County	11/20/2009	Phone bill and office supply reimbursement	\$188.50
		Office Lunch Expenses for Holiday Luncheon	\$75.00
Spartanburg County	11/19/2009		
Spartanburg County	10/19/2009	Payment for Phone Bill and office supplies	\$198.38
Spartanburg County	9/22/2009	Payment of Solicitor's phone	\$199.11
		Payment of Solicitor's office related expenses such as phone bill, pens and paper for office	\$224.00
Spartanburg County	8/21/2009		
Spartanburg County	7/17/2009	meal for office during court term	\$136.00
		Office Expenses including phone and office supplies	\$219.00
Spartanburg County	7/9/2009		
Spartanburg County	5/20/2009	Office Related Expenses and Supplies	\$188.62
Spartanburg County	3/2/2009	Office Related Expenses and Supplies	\$226.61
2009 Total			\$1,563.22

Campaign Practices Law and Penalties

I. Section 8-13-1300, et al.

SECTION 8-13-765. Use of government personnel or facilities for campaign purposes; government personnel permitted to work on campaigns on own time.

(A) No person may use government personnel, equipment, materials, or an office building in an election campaign. The provisions of this subsection do not apply to a public official's use of an official residence.

(B) A government, however, may rent or provide public facilities for political meetings and other campaign-related purposes if they are available on similar terms to all candidates and committees, as defined in Section 8-13-1300(6).

(C) This section does not prohibit government personnel, where not otherwise prohibited, from participating in election campaigns on their own time and on nongovernment premises.

SECTION 8-13-1846. Use of public funds, property, or time to influence election prohibition; exceptions.

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(A) A person may not use or authorize the use of public funds, property, or time to influence the outcome of an election.

(B) This section does not prohibit the incidental use of time and materials for preparation of a newsletter regarding activities of the body of which a public official is a member.

(C) This section does not prohibit the expenditure of public resources by a governmental entity to prepare informational materials, conduct public meetings, or respond to news media or citizens' inquiries concerning a ballot measure affecting that governmental entity; however, a governmental entity may not use public funds, property, or time in an attempt to influence the outcome of a ballot measure.

SECTION 8-13-1350. Prohibition of use of funds for campaign for one office to further candidacy of same person for different office.

(A) A candidate for elective office may use or permit the use of contributions solicited for or received by the candidate for that office to further the candidacy of the individual for a different office as long as the contributions have been received on or before December 31, 1992, and have been transferred to a campaign account for the different office on or before December 31, 1992. A contribution solicited for or received on behalf of the candidate is considered solicited or received for the candidacy for which the individual is then a candidate if the funds or contributions are solicited or received before the general election for which the candidate is a nominee or is unopposed. The prohibition on the use or solicitation of funds does not limit in any way a candidate from retaining funds for use in a subsequent race for the same elective office.

(B) Any assets or funds which are:

- (1) the proceeds of a campaign contribution which are held by or under the control of a public official or a candidate for public office on January 1, 1993; and
- (2) which continue to be held by or under the control of a public official or a candidate for public office on January 1, 1993; are subject to the provisions of subsection (A).

SECTION 8-13-1351. Exemption to prohibition of use of funds for campaign for one office to further candidacy of same person for different office.

Notwithstanding the provisions of Section 8-13-1350, a candidate may use or permit the use of contributions solicited for or received by the candidate to further the candidacy of the individual for an elective office other than the elective office for which the contributions were received if:

- (1) the person originally making the contribution gives written authorization for its use to further the candidacy of the individual for a specific office which is not the office for which the contribution was originally intended; and

- (2) the contribution is otherwise permitted by law.